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August 29, 1973

The Files

Director, Pacific Islands Office

Field Trip to Attend State Water Quality Standards Hearings
on Chapters 37 and 37-A

KAUAI:

The hearing was called to order at 7:10 PM on July 30, 1973 by Dr. Henri Minette in Lihue, Kauai. Mr. Kiyoji Masaki, Director of the Sewers Division, County of Kauai, was the only speaker to the records. Mr. Masaki represented the Mayor, the City Council for the County of Kauai, and the Sewers Division.

Mr. Masaki read a letter from the Mayor into the records. The County opposes reclassification of the Poipu waters from Class A to Class AA for the following reasons:

1. The reclassification would cause undue hardship on the County in providing appropriate infrastructures to assist in the development of the Poipu area.
2. Capital improvements in the Poipu area are undergoing a dearth of funds. The underground disposal alternatives which the changes in the water quality standards would force will work undue hardship on private developers.
3. Such reclassification makes it easy for environmental groups to stymie growth in the Poipu area.

Mr. Masaki then read a City Council resolution into the record. The resolution opposed the reclassification as being inflexible and expensive in its requirement for a high degree of treatment. Such reclassification would limit growth in the Poipu area. Unfortunately, this occurs in a rather bleak economic setting for the County of Kauai at the present time. The resolution was signed by seven councilmen of Kauai.

Mr. Masaki Then read comments from the Sewers Division into the record. The reclassification would work against regionalization of facilities in the Poipu area and will force development of numerous, expensive individual systems.

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OAHU:

The hearing was called to order at 7:15 PM on Oahu in Kinau Hale by Dr. Henri Minette on July 31, 1973. Mike Kido of the General Contractors Association of Hawaii read certain general statements into the records regarding changes that needed to be made to Chapters 37 and 37-A in order that it be amenable to the General Contractors Association.

Ed Hirata, Chief Engineer of the City and County of Honolulu, read into the record reasons for changes to the proposed classification system used in 37 and 37-A. It is desired that a more flexible stream classification system be incorporated. "Class use" is not in the long-term interest of the public. There should be more "specific use" designations in the water quality standards. A single water quality criteria requirement applicable to both marine and estuarine waters is not logical and results in liberal limits for marine waters and restrictive limits for estuarine waters. Mr. Hirata indicated that under nutrient criteria, the clause "except for natural causes" was omitted. In addition, he felt that the nutrient limits were being exceeded even in pristine areas at the present time. With regard to the nitrogen-phosphorus ratio indicated in the proposed changes, Mr. Hirata had a question as to what agent would determine the nitrogen-phosphorus ratio. Should the existing nitrogen-phosphorus ratio be deleterious to the environment, under the proposed water quality standards, beneficial changes to the nitrogen-phosphorus ratio may not be possible.

Dr. Doak Cox, University of Hawaii Environmental Center, was the next speaker. Dr. Cox questioned the lack of amendment procedures in the water quality standards. Dr. Cox also had developed information which would have impact on the Class 2 Stream Water Standards. Certain other changes to the water quality standards too numerous to read into the records were entered as Exhibit 5 of the records.

Mr. Edward J. Lui representing the Hawaiian Sugar Planters Association was the next speaker. Mr. Lui pointed out that Chapter 37 contained some inconsistencies with Act 100 of the State laws. These and other conflicts are listed as follows:

1. Definition of "water pollution."
2. Definition of "state waters."

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3. Waters in private irrigation systems should be excluded.
4. Prohibition of permit transfers are considered too prohibitive.
5. Under monitoring requirements, the statement "Accidental discharge monitoring..." should be stricken.
6. CFR 40 contains certain agricultural exclusions. These exclusions should be included in Chapter 37. The Kealia and Kanaha Ponds should be excluded. Irrigation waters should not be included in Class 2 waters definition. The 96-hour bioassay is questioned. The zone of mixing should be for a period of ten years rather than the five years proposed in Chapters 37 and 37-A.

The next speaker was Douglas White representing the Harvard Environmental Law Society. Mr. White pointed out that the variance clause in Act 100 of the State statute is in conflict with the 1972 Clean Water Act amendments. In essence, the conflict could result in a dual-permit system.

James Hughes representing Life of the Land spoke next. Mr. Hughes emphasized the conflicts between the State Act 100 and the Clean Water Act Amendments of 1972 and indicated that this may result in a dual-permit system. Mr. Hughes indicated some objection towards the non-degradation statement which could in certain cases allow degradation of the waters subject to approval by the Director.

The next speaker was Dr. Alexander Dollar representing the State of Hawaii, Department of Agriculture. Dr. Dollar questioned the definition of irrigation waters and the exclusion of groundwater from the definition of State waters. He questioned Section 3 regarding the nontransfer of permits. The statement on "compatible recreation" was not well defined and should be. The zone of mixing clause should be melded into the NPDES system.

MAUI:

The hearing was called to order at 7:15 PM by Dr. Minette in the Health Department Building in Kahului, Maui. The first speaker was John Macalek who presented a personal statement on Chapters 37 and 37-A and entered material developed by students working for him into the record.

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The next speaker was the Department of Transportation, State of Hawaii. They were in general accord with the proposed revisions. However, they are adverse to the Class B water classification in harbors and feel that this dual designation would create difficulty in expanding, maintaining, and developing harbors. Non-tidal, brackish waters should be defined further. Section 5-A-4 should include marina development. A procedures clause should be included in the chapters in view of the modifications which may have to be made to the chapters. This concluded the testimony on Maui.

HILO:

Public hearing was held in Hilo, Hawaii and called to order by Dr. Minette at 7:10 PM in the County of Hawaii Council Room. There were two speakers to the record. The first was Edward Harada, County Engineer for the County of Hawaii. He read into the records a general statement of acceptance of the proposed chapters.

The second speaker was Richard Webb representing the Hilo Coast Processing Company. A copy of his statement is attached.


Melvin K. Koizumi

cc: Phil Woods, EPA, Region IX

Attach.